IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 26117 of 2003

Between:

Gori Bee, W/o. Late S.K. Mahabub, Ex-Driver (E-35167) of Devarakonda Bus Depot, Nalgonda District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nalgonda Region at Nalgonda.
2 The Depot Manager, APSRTC, Devarakonda Bus Depot at

Devarakonda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in deducting the salary for the period from 1-10-1991 to 31-5-1992 i.e. the period of beyond superannuation from his 25% backwages as bad, illegal, arbitrary, unjust, unreasonable and also contrary to the rules and consequently direct the respondents to settle the settlement / service benefits of Sri Late S.K. Mahabub Husband of the petitioner.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent Nos.1 & 2: MR.K.HARINATH

The Court made the following :

ORDER:

The petitioner seeks a Writ of Mandamus declaring the action of the respondents in deducting the salary for the period from 01-10-1991 to 31-05-1992 i.e., the period of beyond superannuation from his 25% backwages as illegal and arbitrary, and consequently direct the respondents to settle the settlement benefits of her husband by name Late S.K.Mahabub.

2. This Court by order, dated 17.12.2003 in W.P.M.P.No.32997 of 2003 directed the respondents to pay the salary for the period from 01-10-1991 to 31-05-1992. Subsequently, the respondents herein filed W.V.M.P.No.1035 of 2004 to vacate the said interim order.

3. Instead of disposing the W.V.M.P.No.1035 of 2004, the main writ petition itself is taken up for disposal.

4. It is the case of the respondents that the husband of the petitioner has to be retired on 30.09.1991, but he was allowed to continue to perform his duties beyond the superannuation and up to 24.4.1992 due to administrative lapse. Whatever may be the reason, but the fact remains is that the husband of the petitioner was continued and performed his duties up to 24.4.1992 and therefore, the husband of the petitioner is entitled for the salary from 01.10.1991 to 24.4.1992 as admitted by the respondents in the counter-affidavit.

5. In the aforementioned circumstances, I consider it appropriate to dispose of the writ petition directing the respondents to pay the salary payable to the husband of the petitioner from 01.10.1991 to 24.4.1992 to the petitioner, if not already paid, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No order as to costs.

4th August, 2004

sj/glv

To

1 The Regional Manager, APSRTC, Nalgonda Region, Nalgonda.
2 The Depot Manager, APSRTC, Devarakonda Bus Depot at

Devarakonda, Nalgonda District.

3. Two CD copies.